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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

Superfund Records Center

SITE: Salem, MA

BREAK: 100

OTHER: 125

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

DEC 29 1986

Ugo DiBiase
Salem Acres, Inc.
Salem, MA
Attn: Attorney Peter R. Beatrice, Jr.
Suite 400
44 School Street
Boston, MA 02108

re: Salem Acres NPL Site, Salem, Massachusetts

Dear Mr. DiBiase:

NOTICE OF POTENTIAL LIABILITY

This letter is to notify Ugo DiBiase of potential liability which he may incur or may have incurred with respect to the above-referenced Site.

The United States Environmental Protection Agency ("EPA") has documented the release and threatened release of hazardous substances, pollutants and contaminants at the above referenced Site. EPA has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA determines that a responsible party will properly perform such actions, EPA will itself perform these actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 (1986) (SARA).

Under Section 106(a) of CERCLA, Section 107(a) of CERCLA, Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 (RCRA), and other laws, responsible parties may be obligated to implement relief actions deemed necessary by EPA to protect the public health, welfare or environment and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, response and enforcement activities.

Responsible parties under CERCLA include current and former owners and operators of the Site as well as persons who arranged for disposal of hazardous substances found at the Site, or persons who accepted hazardous substances for transport to the Site.

70-2-4043

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including title documents on file at the Salem Registry of Deeds and the "Declaration of Trust" for DiBiase Salem Realty Trust on file at the Salem Tax Assessors Office.

Based on this evidence, EPA has information indicating that Ugo DiBiase is a potentially responsible party with respect to this Site. Specifically, EPA has reason to believe that as a trustee of DiBiase Salem Realty Trust, Mr. Ugo DiBiase is an owner of the facility. By this letter, EPA notifies Mr. Ugo DiBiase of his potential liability with regard to this matter and encourages him, as a potentially responsible party, to reimburse EPA for the costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined are required at the Site.

Sincerely,



Merrill S. Hohman, Director
Waste Management Division

cc: Steve Johnson, MASS DEQE
Jay Naparstek, MASS DEQE